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**MAILED**

**MAY 11 2009**

**OFFICE OF PETITIONS**

In re Application of  
Reinhard Heinrich HOHENSEE et al.  
Application No. 10/771,055  
Filed: February 03, 2004  
Attorney Docket No.  
5962.0006USD1/IBMN.004US

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 04, 2008 and resubmitted April 02, 2009 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 03, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 04, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of July 03, 2007, is accepted as having been unintentionally delayed.

The petition fee of \$1,640.00 filed with the petition dated April 02, 2009 is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2161 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "Michelle R. Eason". The signature is fluid and cursive, with the first name "Michelle" being more prominent.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions